UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/383,038	08/25/1999	CHARLES B. SCHNAREL	3382-51792	6021

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EXAMINER
SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/383,038	SCHNAREL ET AL.
	Examiner	Art Unit	
	Steven P. Sax	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 June 2005</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3-6,8 and 13-46</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,3-6,8 and 13-46</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This application has been examined. The amendment filed 6/15/05 has

been entered.

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or
> composition of matter, or any new and useful improvement thereof, may obtain a patent
> therefor, subject to the conditions and requirements of this title.

3.   Claims 1, 3-6, 13-31, 46 are rejected under 35 U.S.C. 101 because the

claimed invention is directed to non-statutory subject matter. These claims are

directed to computer readable media, which per the specification, may in fact be

only signals carried over a network. Such subject matter is not deemed to be

statutory.

4.   The indicated allowability of claims 1, 3-6, 8, 13-45 is withdrawn in view of

the newly discovered reference(s) to De Armas et al, as well as to the claims

which were now rejected under 35 U.S.C. 101.

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which

said subject matter pertains. Patentability shall not be negatived by the manner in which the
invention was made.

6.   Claims 1, 3-6, 8, 13-46 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bayless et al (6192118 B1) and De Armas et al (6611878)..

7.   Regarding claim 1, note in Bayless et al: Figure 6, Figure 14, column 2

lines 3-8, 15-20, and 53-63. Note the visual user interface for a telephony device

with a screen display. This has a display screen with an application program

selection area (Figure 6 and column 12 lines 58-65) including controls, a call slip

user interface for telephone line state information (column 2 lines 37-45 for

example), a user input device to select display elements (column 9 lines 7-10),

and a customizable area (Figure 18, Figures 30-31, column 19 lines 25-46). The

customizable area includes a data/time pane (Figure 18 and Figure 34), the

branding pane (Figures 30-31 show pane windows selected off the customizable

area which customize the individual directory and show brand graphics), a

message pane for displaying email, answering machine or FAX messages

(Figure 34, column 24 lines 40-64), and a task pane (Figure 18) for enabling a

user to select an online directory (column 19 lines 27-39, column 17 lines 30-36)

and an email service (column 12 lines 54-65), or a speed dial or notetaking

service (Figure 18) via the telephony device . Bayless et al do not go into the

details of adding the customized panes associated with a parent application

separate from a shell program which exposes the application programming

interface that does the customizing, but do mention a method for customizing the

area with a flexible variety of component sources. Furthermore, De Armas et al

do show adding customized panes and components associated with a parent

application separate from a shell program which exposes an application

programming interface that customizes the interface (abstract, Figures 4-5,

column 2 lines 40-59, column 3 lines 1-13, column 4 lines 25-40 and 50-60,

column 7 lines 35-55) for customizing an area with a flexible variety of

component sources. It would have been obvious to a person with ordinary skill in

the art to have this in Bayless et al, because it would provide customization for a

display area with a flexible variety of component sources.

8.   Regarding claim 3, as shown above in Bayless et al Figures 18 and 34,

the customizable areas have interface panes that display user elements of a

corresponding application program.

9.   Regarding claim 4, see Bayless et al Figure 34 and column 24 lines 40-64.

The message usage pane shows interface elements depicting the type of

message.

10.   Regarding claims 5-6, the icons in the message pane reflect the status

such as that the message was received. See Bayless et al column 2 lines 58-62;

column 25 lines 40-50. These icons are user interface controls and initiate a

message viewer. See column 25 lines 12-15.

11.   Regarding claim 8, this shows the same features as claims 1 and 3 and is

rejected for the same reasons. Note thus how the branding area is operable to

allow a user to connect online, with the brand graphic being associated with the

connection site (Bayless et al column 19 lines 27-39, column 17 lines 30-36).

12.   Regarding claims 12 and 21 and 46, these show the same features as

claim 8 and are rejected for the same reasons. Note also the customizable

elements.

13.   Regarding claim 22, note again the email element (Bayless et al Figure

34, column 24 lines 40-64).

14.   Regarding claim 23, note again the branding pane area (Bayless et al

Figures 30-31 as explained in paragraph 4 of this Office Action).

15.   Regarding claims 24-27, see again lines 6-8 of paragraph 4 of this Office

Action and note those features are described in Bayless et al and are rejected for

the same reasons.

16.   Regarding claim 28, state changes are communicated and information is

accordingly updated (Bayless et al column 26 lines 37-65 for example).

17.   Claims 32-33 and 37-45 show the same features as claims 8, 12-18 and
are rejected for the same reasons.

18.   Regarding claim 13, in addition to the aforementioned for claim 1, Bayless
et al do not go into the details of the programming interface being programmatic,
to allow actual programming changes, but do mention the flexibility of
customization. Furthermore, De Armas et al show a programmatic programming
interface that allows actual programming changes, for flexibility of customization
(column 4 lines 45-65).   It would have been obvious to a person with ordinary
skill in the art to have the programming interface in Bayless et al be
programmatic, because it would allow flexibility in customization.

19.   Regarding claim 14, Bayless et al show the software platform identifying
the custom interface element and adding it to the interface (column 12 lines 50-
60).

20.   Claims 15-18 show the same features as claim 13 with the features of
claims 3-6 combined respectively, and are rejected for the same reasons as
those claim combinations are respectively.

21.   Regarding claim 19, in addition to the aforementioned for claim 13, this
also has the features, note that the parent program in De Armas et al
communicates state changes to a corresponding default pane program which

then updates the panes to reflect the changes (column 4 lines 45-65). This is

one of the methods in which the pane is customized and the obviousness to have

this feature follows then the same reasoning as stated in paragraph 4 of this

Office Action.

22.   Claims 20, 29-31, and 34-36 show the same features as mentioned in the

preceding claims 13-19 and are rejected for the same reasons.

23.   Applicant's last standing arguments with respect to the added features in

the claims, especially claim 46, of the parent application separate from the shell

program, have been considered but are moot in view of the new ground(s) of

rejection.

24.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Steven P. Sax whose telephone number is

(571) 272-4072. The examiner can normally be reached on Monday thru Friday,

8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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STEVEN SAX
PRIMARY EXAMINER